

REMARKS

Claims 34–64 and 70 are pending. No new matter is being added.

Claim 44, 62, 63, 56, 48-50, and 53 are allowed and claims 46, 47, 52, and 54 are indicated as allowable. Appreciation is expressed for the allowance of these claims.

Claims 34–40, 42, 45, 51, 55, 57-61, 64, and 70 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Tung, U.S. Pat. No. 6,110,803 (Tung) in view of Kitamura et al., U.S. Pat. No. 5,844,275 (Kitamura). Claim 43 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Tung in view of Kitamura and further in view of Yasuhara et al, U.S. Pat. No. 6,353,252 (Yasuhara). Claim 41 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Tung in view of Kitamura and further in view of U.S. Pat. No. 6,277,706 (Ishikawa).

Claim 34

Tung and Kitamura, either alone or in combination do not disclose or suggest, at least a portion of the electrically floating region is located laterally with respect to the non-electrically conductive region, and at least a portion of the electrically floating region is located underneath the non-electrically conductive region, all as recited by claim 34.

Pages 2 and 3 of the Final Office Action state that Tung discloses a non-electrically conductive region 228, a channel region 221, and electrically floating regions 219.

Page 3 of the Final Office Action statutes that the left most floating region 219 is located underneath region 228.

Page 3 of the Final Office Action also states that the left most floating region 219 is also considered to be located laterally with respect to region 228. Page 3 bases this premise on a cited definition of laterally from Random House Collcge Dictionary as “of or pertaining to the side” or “directed to a side.” Pages 3 and 4 go on to state that “Since claim 34 does not specify a particular side of the non-electrically conductive region at which the floating region is located, the left most floating rcgion 219 that is located at the bottom side of the non-electrically conductive region 228 (i.e. laterally with respect to region 228) reads on the newly added claimed limitation regarding ‘laterally’.”

Applicants respectively submit that pages 3 and 4 of the Final Office Action are incorrect in its application of the term “laterally” as set forth in claim 34.

First, the term “laterally” directionally refers to the side of an object (e.g. “of or pertaining to the side” or “directed to a side”) as opposed to above or below the object. By referring to “the side”, the cited Random House definition implies that it is not directed to the top or bottom of an object. Consequently, the term “laterally located” would not be understood by one of skill in the art to refer to the bottom “side” or top “side” of an object. Accordingly, as per

its cited definition, laterally located can not refer to both "the side" of an object and the top or bottom of the object.

Tung does not teach that both "at least a portion of the electrically floating region is located laterally with respect to the non-electrically conductive region, and at least a portion of the electrically floating region is located underneath the non-electrically conductive region" in that the left most portion of floating region 219 is not located on two sides of region 228.

Referring to Figure 2F of Tung, the left most region 219 is located below region 228 relative to the view of Figure 2F. Furthermore, left most region 219 is located on only one side of region 228. Because left most region 219 is located on only one side of region 228, it can not be considered as located both beneath region 228 and lateral to region 228 as recited in claim 34.

If the left most region 219 of Tung is considered as being located underneath region 228, it cannot be "of pertaining to the side" of region 228 as well, as set forth in the cited Random House definition of lateral. If the left most region 219 of Tung is considered as located laterally to region 228, it can not be considered as located underneath region 228.

Accordingly, because the left most region 219 is located only one side of region 228, it can not be considered as located both underneath region 228 and located laterally to region 228. Accordingly, claim 34 is allowable over Tung and Kitamura.

Claim 51

Tung and Kitamura, either alone or in combination do not disclose or suggest at least a portion of the electrically floating region is located between the non-electrically conductive region and the drain region, all as recited by claim 51.

Page 4 identifies region 244 of Tung as a drain region. Furthermore, page 4 of the Office Action states that the right most floating region 219 is located between region 228 and drain region 244.

Applicants respectfully submit that the right most floating region 219 is not located between region 228 and region 244 of Tung. See Figure 2F of Tung showing that floating region is not located between region 228 and region 244. Referring to Figure 2f of Tung, there is no object located between region 228 and region 244 of Tung. Accordingly, claim 51 is allowable over Tung and Kitamura.

The dependent claims depend from the independent claims and are allowable for at least this reason.

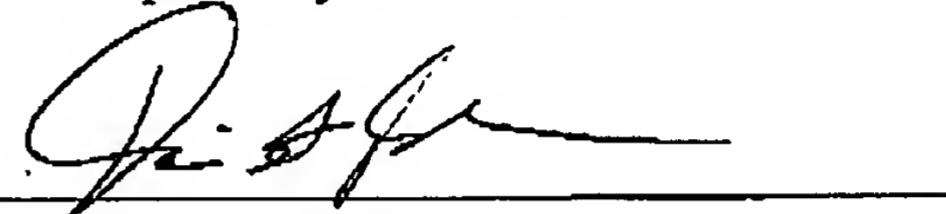
In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues

remain that might be subject to resolution through a telephonic interview, the Examiner is requested to telephone the undersigned.

If Applicant has overlooked any additional fees, or if any overpayment has been made, the Commissioner is hereby authorized to credit or debit Deposit Account 503079, Freescale Semiconductor, Inc..

Respectfully submitted,

By:



David G. Dolezal
Attorney of Record
Reg. No.: 41,711
Telephone: (512) 996-6839
Fax No.: (512) 996-6854
Email: David.Dolezal@Freescale.com

SEND CORRESPONDENCE TO:

Freescale Semiconductor, Inc.
Law Department

Customer Number: 23125

4